

TOWN OF TOWNSEND
August 3, 2011
Council Meeting Minutes

7:30 pm – Council Meeting

I. Call to Order: 7:40 pm

II. Opening Ceremonies

- a. Roll Call: Mayor Steve High, Councilwoman Karen Jennings, Councilmen John Ness and Dwain Haines, Attorney Fred Townsend, Engineer Tom Wilkes, Secretary Cathy Beaver
 - Councilwoman Sandy Sturgis not able to attend, covered with poison sumac.
 - Town Manager Dawson Green is ill.
- b. Pledge of Allegiance: Pledge was said
- c. Recognition of Visitors: 18

III. Additions/Deletions to Published Agenda:

- a. High asked the residents in attendance if there was anything they would like added or deleted to the agenda.
- b. Ellen Willey, resident on Railroad Avenue sad there is a huge problem with kids walking to and from the park and trashing her yard. She often runs the kids out of the park after dark. They throw their alcohol bottles/cans, drugs and used condoms in her yard and she is 61 years old and doesn't need this aggravation.
- c. High asked Lt. LaMarche to address this, what is our recourse.
- d. Lt. LaMarche said the police need to be called. There is nothing they can do about throwing trash in your yard but we can run them out of the park and can arrest them. I have a letter on file from the Town that requests the police to make an arrest of anyone in the park after dark and we will arrest them. Call 911. There is nothing we can do about the language kids' use now. We used to be able to arrest them for disorderly conduct for dropping the "f" bomb but the laws have changed and we no longer can do that.
- e. Mayor High asked if Lt. needed a letter from him.
- f. Lt. said we could update it, but we do have one on file.
- g. High thanked Ms. Willey.

IV. Council Minutes – July council minutes approval (copies on back table)

- a. July council minutes were approved by general consensus.

V. Unfinished Business - None

VI. New Business

- a. Council vote on Variance Fee – Mayor Steve High
 - High explained that Council voted in April on an exception to policy for a variance fee and Council denied it.
 - A contractor built a patio, the contractor was told to stop as he was in violation of 2-3 feet of the property line, he continued and finished the patio anyway and then came in to ask for relief of the variance fee. Now the homeowner is asking for exception to the policy, as Mayor I have no say, council has to vote, the Board of Adjustment hearing is scheduled for next month. The Board of Adjustment is made up of Town Attorney Fred Townsend, Engineer Tom Wilkes and myself, Mayor Steve High.
 - High asked Council to make a motion to open the topic up for discussion.
 - Ness asked if they need to make a motion first, before the discussion.
 - High said yes, he just gave an overview of the topic.
 - Ness motioned, Jennings seconded to waive the Board of Adjustment fee of \$500.00 for the patio.
 - In the following discussion, Ness wanted to clarify that the fee is for the Board of Adjustment hearing, not for the variance.
 - High said that is correct.

- Tom added some additional background. The contractor for the owner at 1021 W. Founds Street applied for a patio permit early last year which was denied because it exceeded 35% impervious cover allowance.
- The contractor started building the patio anyway and the job was shut down by Harry (RVB inspector) until a new permit was submitted.
- Contractor kept building and Tom shut the job down last fall.
- The contractor continued piecing the patio together without a permit.
- He finally submitted a new permit and renewed his contractor's license. The new permit application was denied again because it was too close to the rear setback line which is in violation of the zoning codes, yet it was already 90% built.
- The options at this point were to tear part of the patio out to get within the zoning codes or apply for a variance seeking relief from the zoning codes.
- The contractor applied for relief from the Board of Adjustment fee of \$500.00 which was denied and never followed through with anything after that.
- The homeowner wasn't completely aware of any of this as we were working through the contractor which is somewhat typical. Contractors generally have knowledge of the permitting procedures in Town, and this contractor has done a lot of work in Town and is well aware of all the Town rules.
- As of right now, there is no permit for this project, was denied twice. The homeowner can either remove some of the patio to be within 5' of the setback (property line), or apply for a variance with the Board of Adjustment requesting relief from the setback codes.
- Mr. Slaughter said he is the homeowner and would like to clarify and put this into context. He was in Afghanistan from September of last year until the end of March this year. Slaughter contracted the work before he left, expecting it to be done when he got home. The contractor said he had a permit. About 1 month after Slaughter returned home, with the patio still not completed, the contractor told him there was no permit for the patio and he had been told to stop work on the patio. The contractor said the issue was about a variance, which is the first time Slaughter heard anything about that. There are two cross-over issues, one is the permit and two is the variance. Slaughter wants to make it clear that the homeowner was told one thing by the contractor, and nothing he can do about it, once he got home he was told something else and he is the one who requested a meeting with the Town manager. At no time through all of this, did the office denying the permit contact the homeowner. As a sidebar in the meeting with the manager, I suggest that any work requiring a permit, official notification should go to the homeowner and the contractor if necessary. (This is only a suggestion). The contractor works for the homeowner. Me, as the homeowner was never aware of any problems or issues with the patio because only the contractor was contacted. I don't want to be penalized or have to pay because of his mistakes, because he blew off your decisions. I'm stuck in the middle.
- Slaughter said the variance request and fee waiver request were submitted by me 10 days ago so I can get this done. I feel like this is a money pit, now entering month 9 and should have been done in 50 days. Want to get this resolved.
- High asked if the work is completed.
- Slaughter said no.
- High asked Slaughter what the contractor is going to do to fix the problem that he initiated and started. The process of acquiring a permit can be done by the homeowner or the contractor doing the work. We have never had a problem with this process. In the future, with your recommendation, maybe we should send a certified letter to the homeowner with everything happening and ensure the permit application is legitimate, is a great recommendation. If I contract someone to do work at my house I expect them to follow the rules, didn't turn out that way for you. Question now is what is the contractor going to do to fix the problem he has created?
- Slaughter said he has two choices. He is going to have to hire another contractor to finish what this one started; I have lost faith in him. I explained all of this in the 6 page document I submitted.
- High said they all have a copy but he wants everyone else to understand what is happening.

- Slaughter said that is part of the reason for the request for the waiver of the fee, not because it's \$500.00 I get to keep, but to pay additional expenses above the 98% I have already paid for the contract bill. In addition to getting all of this done, I still have to complete, paving part is done, have to complete the kitchen section.
- Slaughter said getting back to the question of what the contractor is going to do, a new contractor will have to tear down 2 feet of the patio including a bordering wall that is 4 ½ foot high with a BBQ pit next to it and a seating wall around it that is 3 feet high and the pavers associated with all of this, roughly 1100 square feet. That is a pretty extensive piece of work to be done. The preferred solution is to be approved with the variance. I'm on a corner lot and the drainage swale doesn't work correctly, stops in my yard which is a developer issue. All my neighbors have an additional 20-25 feet of back yard that all drains down to my yard. I was and am worried that the water will/would eventually damage my basement walls and seep into my basement. I would also like to use my back yard like all of my neighbors do.
- High asked if the contractor explained any of this in writing when he submitted the permit or with you. He added he knows he was serving in Afghanistan.
- Slaughter said he is a government civilian employee and was there supporting our troops and none of this was explained.
- High said he isn't recommending, but suggesting the Slaughter's seek legal counsel to get this problem fixed. This may be the only way to get this issue fixed.
- Slaughter says that depends. The contractor's interaction with the Town was informal, lacked formality, nothing in writing.
- High asked Slaughter to please explain that comment. Before starting a job you must submit a permit in writing and be approved. There is nothing informal about that.
- Slaughter said he applied for a permit and was denied, I will say, in retrospect; perhaps it is fair to say he may be unscrupulous, he told me from the beginning he had a permit. In my discussion with Mr. Green, Mr. Wilkes, the contractor and myself several weeks ago was the first time I found many of these things out, like a laminated copy of the permit to put in your front window. The contractor also said in that meeting that he paid for the permit and received a receipt for it and he believed it was synonymous with the permit. This is why I say the process is informal, if the contractor was denied a permit 2 times; the homeowner should have been contacted. This is why we hire contractors, the average homeowner doesn't know the process and you want it done right. If I have been denied twice, I would expect some kind of official word sent to the homeowner. That is part of the reason we are where we are today.
- High asked Mrs. Slaughter if at any time she was in contact with the Town Hall and told there was no permit.
- Mrs. Slaughter said she was never told there was no permit.
- High said he understands, but is trying to figure out the best course of action. Realize the Town is part of the problem, but feel our legal source could give you some advice.
- Slaughter said it would depend on which issue we are discussing.
- High the issue tonight is the waiver of the board of adjustment fee which Council will vote on, second will be the hearing which will be held next month and third would be a recommendation to fix a legal issue with your construction is you choose to follow that path.
- Fred said it sounds like Slaughter has had the opportunity to decide what he will do about the contractor and that is his personal business. This is a long and involved story about how we came to be in this place, but even if everything had been handled appropriately, a variance would still have been needed to construct the patio as it is. Question is, on what basis should the Town waive the fee which you would have had to pay anyway for the variance.
- Slaughter said if everything had been handled appropriately there would be no need for a variance, the permit was denied because it was too close to the property line, wouldn't have been built that way if I would have known there was no permit or a problem with it. If I had known I would have told the contractor to bring it in 2-3 feet.
- Fred said the way he posed the question Slaughter would have needed a variance to build the patio the way it is, it would be better for everyone involved if the patio was not built out of compliance with the setback requirements. The setback requirements are there to protect everyone. What would it cost to remove the violation?

- Slaughter said between \$4,000.00 and \$5,000.00.
- Fred asked what percent of the total this amount represents.
- Slaughter said \$25,000.00.
- Fred said what you're saying is right now we are hung up over \$500.00.
- Slaughter said he can appreciate you thinking that, I was invited here to articulate my case. I didn't view it as a hang up on \$500.00; I view this as a problem that homeowner's aren't necessarily aware of. In the process I am actively involved; this is a tool available to me.
- High said it seems Slaughter wants to get the problem fixed, number one, using all avenues available to do this. The path to fix the problem is: step one, request a waiver of the variance fee, step two, have the hearing, step three is what you need to do about the contractor.
- High asked if there is any more discussion about waiving the \$500.00 fee.
- Ness asked if when Mr. Slaughter found out about this decision, was there any additional work to be done on the patio, or was it done.
- Slaughter said no, that patio was done, but there are additional things to be done on the patio to complete the job like run electric lines and gas lines and water lines, outdoor refrigerator to be done. If I had found out about the problems halfway or a third of the way through, I would have stopped the contractor then to resolve the problems, instead I'm finding out well after the fact. Part of the process for me was coming to the manager to find out exactly what I needed to do and got two different versions. The first time was the permit, sometime after that the variance issue and before that is the issue that the land behind me is open common area. The issue is the patio is too close based on the ordinance, not on or over the line. The contractor pointed out a fence across from me that is only one foot from the property line, it was disapproved because it was on the property line and approved when it was moved one foot in from the property line. In fairness to him, his thinking was the Town approved the fence being one foot from the property line and in some places my patio is 2 feet and some places 3 feet from the property line, so he thought it would be OK. The fence is still there and the contractor did receive a permit for it.
- Haines said he has heard this contractor started work, didn't get a permit and work was stopped, yet he continued working, job stopped. If he had received a permit he wouldn't have built the patio this way because it would not have been permitted.
- Slaughter said the contractor told him he had a permit and I couldn't grill him being out of the country.
- Tom said it is very unfortunate situation with your contractor but the Town sees the contractor as your agent, through him, knowing he knows the rules and process. If he had received his permit, he would know what was permitted. The second permit was more of a formality, the patio was virtually done. As for the open space behind your property, it still isn't allowable to build into it. There is a 5' rear yard setback and there are side and front yard setbacks also. The setbacks and rules are beneficial to the Town and that includes the permitting process.
- High asked for any more questions.
- Jennings wanted to clarify that we are solely talking about waiving a fee.
- High said correct, everything else was background information; at this point he either pays or doesn't pay.
- Slaughter said in all due respect, it is either he is granted the waiver to pay the fee or I have to pay the fee.
- High said correct, you either pay or don't pay.
- Jennings asked if we had another fee waiver this year.
- High said it is the same one. Slaughter's contractor came in and applied for the variance fee waiver and Council denied it. This is ongoing from that.
- Jennings said through the years people have applied for a variance for different reasons and recently a man applied for a variance that wanted to build an oversize garage.
- Tom said that the standard fee for a variance waiver is \$500.00.
- Jennings asked if there was precedence where we waived the fee.
- Tom said a home builder applied once for a variance on 10 properties for relief from the height restriction and rather than charge \$500.00 for each home, the fee was \$3,500.00 total. This was a unique situation. All 10 requests were exactly the same; there was no extra work on our part.

- Jennings said she is asking about individual residents.
- Tom said there was a day care before that and they paid the fee. You could check the records for any other ones. There aren't a lot of Board of Adjustment hearings.
- Fred added that in the case of the building contractor, for a hearing there is an amount of money the Town spends, but even though there were 10 homes involved, they were all the same so we only had to hear one case, therefore it justified waiving part of the fee.
- Fred not Tom recall the exact case, but believe he paid the fee.
- Slaughter said to settle this he will go ahead and pay the fee. What disturbs him is council is discussing this like there is double standards.
- High said it isn't for Mr. Slaughter to make that decision. Right now there is a motion and a second on the table and we have to take a vote and make a decision. We can have more discussion after the vote.
- Slaughter said that is fine, but help him out.
- High asked for a vote.
- Ness asked Mr. Slaughter if his contention is that he is partially in this position for what the Town did or did not do. I'm getting that impression from your discussion.
- Slaughter said he isn't really blaming the Town, they were as diligent and active in doing what the contractor told them they had to do. My issue is the Town never contacted us of the problems and recommend the Town do this in the future. Neither our contractor nor the Town gave us any indication of problems.
- High asked the Slaughter's if at any time the town told them to go for it and build the patio.
- Mrs. Slaughter said no.
- High said they built the patio solely on the contractor's word.
- Mrs. Slaughter said if they had been notified that there was no permit, they would have had him stop work then.
- Jennings said with all due respect she feels this discussion would be more appropriate in a hearing environment; right now we are here to discuss waiving the variance fee and would like to make a motion to do so.
- High said there is a motion on the table for it now and he is calling for a vote.
- Vote – all in favor of waiving fee – Jennings – aye, Ness and Haines – nay.
- Ellen Willey said you have got to be kidding me.
- High said the waiver for the fee has been denied.

VII. Reports of the Officers

a. State Police: Lt. LaMarche

- Lt. LaMarche said there was an incident in Town with a couple of boys with high powered BB guns and they shot it at a young woman. The BB had to be surgically removed from the young ladies breast. The boy and his father were both arrested. State law mandates that anyone 16 or under must be supervised by an adult when handling a gun. The other boy who is 11 years old has also been charged. A young person should never have free access to BB guns.
- Theft is increasing. A house under construction in on Tracy Circle was stripped of all wiring; an arrest was made, several weeks later the same person was stopped again with copper in his car. We traced it to a junk yard and were able to solve 4 open cases.
- Have increased patrols in Town to two troopers, both doing traffic patrol which has been leading to arrests.
- Jack Fitzhugh asked if they could send unmarked patrol cars to Town, they do the best.
- Lt. LaMarche said they only have a few unmarked cars.
- Fitzhugh stated speeding on Main Street is very bad and the worst ones are the fireman. He asked if they have a maximum speed limit.
- Lt. L. said legally they have to go the speed limit or if going a reasonable speed they generally won't be stopped.
- Fitzhugh said 60 or 70 is not a reasonable speed.
- Lt. L. recommended Fitzhugh talk to the fire department and he said he has, it does no good. Lt. L. then recommended getting the license plate number and call the police.
- High said the fire department is coming up on the agenda, Fitzhugh can ask them about it.

- Ness suggested that Haines has a relationship with the fire department also and you can talk to him about your issues.
- b. State Representative: Quinn Johnson
 - Session ended 7/31/11. Go back in January.
 - Job opportunities coming up locally, Johnson Controls by the Home Depot area will employ around 180 + people in addition to all the construction people. Their goal is to open this month.
 - Christiana Care emergency room, over 100 acres, long term goal, will be put on the fast track to build, first services will be a paramedic station and more coverage down here, then full bed hospital/medical unit which will employ 90 technician positions and 150 construction jobs.
 - Rehab hospital has been approved, acute physical therapy, crucial in this area, at this time have to go to Wilmington or Milford, is on the fast track for construction to start this fall hopefully, will be 100 construction jobs and 90-90 jobs once open. Will take care of people with strokes etc. and patients would have to stay there a couple weeks for intensive rehab.
 - Chic-Filet coming to the area.
 - Regionally, Bloom energy going into the Chrysler facility, is an electric producing factory.
 - The Pencader Plaza at 896 and Rt.40 leased a lot of the facility to a parts distributor, many of the business closed when the Chrysler Plant closed.
 - There are additional deals we are constantly working on, specifically for this area.
 - Am working on the rail road track issue, the roads, the streetscape and TVII issues. Things are starting to happen.
 - My son has turned 16, if you see my vehicle go by, my son may be driving so beware, will have a novice driver sticker on the back, is a gray pickup truck.
- c. Townsend Fire Department: Keith Shoemaker/Jeff Dawson
 - Fire hall officially done and turned over to the fire company, contractors gone but still working on air conditioner.
 - Talking about having an open house sometime in November.
 - To address Jack Fitzhugh's question, if a fireman is speeding through Town, get the tag number and call the chief. They will get in trouble, we don't condone the speeding and if they get a ticket it is on them. They are told all of this when they come into the department.

VIII. Reports

- a. Fred Townsend III, Attorney:
 - The deed for the Lupo property will come in soon, the sale has been confirmed and the Town owns it.
 - Would like to discuss at the workshop the most appropriate way to dispose of the property.
- b. Tom Wilkes, Engineer:
 - Still waiting on the rest of the streetscape paperwork to come in from DelDot.
- c. Dawson Green, Town Manager: Not at meeting.

IX. Committee Reports

- a. Finance Committee: Chair – Steve High
 - Total assets - \$3,709,876.27
 - Total Liabilities - \$3,678,803.05
- b. Streets Committee: Chair – Dwain Haines
 - Haines said the potholes on Feret Road in TVII West are getting worse. I would like to know if we can get the contractor to fix them right away and if not, I would like to make a motion for the Town to buy several bags of cold patch and fill the holes in. This is only a temporary fix/patch, can't guarantee how long it will last.
 - Tom said there has been some development on that, didn't want to speak much on it. I heard from the Townsend Village II site developer, not the owner, that Wiggins Mill Road is going to be paved, including both entrances into TVII in September. It is supposedly under DelDot contract. I can't guarantee it, taking so long now, if Town wants to temporarily patch until then, it is certainly your call.
 - High said he will have Mr. Green do a survey on the worst holes and we will discuss it at the workshop.
 - Ness said in all due respect, Mr. Green has already done a list of the potholes and emailed all of us. Asked Haines if he thought putting gravel in the pot holes would be enough.

- Haines said with his past experience gravel comes right out. The cold patch would last a little longer.
- Ness asked if the Town does anything, can the developer or anyone come back later and say we messed them up from paving because we filled the holes in.
- Tom said it would be unlikely. Possibly the Town could request some millings from DelDot. I received the list of potholes Mr. Green emailed also and forwarded it onto the developer.
- High said the bottom line is we are making progress.
- **Ness motioned, Jennings seconded to buy some cold patch and fix the holes in TVII West with the understanding it is a temporary fix, not to exceed \$500.00.**
- Ness thanked all the TVII residents for getting involved and hopes more become involved in the Town. He also thanked Quinn Johnson for all of his help throughout the process.
- Isha Smith asked Ness if he is addressing the whole picture or just some of it. There are still no specific updates on all of the issues.
- Ness said he was copied on an email from the developer thanking us for our patience and stating he hopes to start Wiggins Mill Road paving and Phase II inclusion of curb replacement as soon as Tony tells me work resources are in place. This email is from Mr. Saperstein, the developer.
- Smith asked if this is the east or west side.
- Tom said it is the east side. It is something that has been in the works since last year, Phase II and III of TVII East; the east side is pretty much developed except for one phase that hasn't been started.
- High said a lot of it is a developer issue, once 90% of the homes are done the development will be paved, is a whole different issue, right now we motioned to fix the potholes. We cannot discuss a lot of this as it is in litigation.
- Smith said she has been hearing all of this for several years, it is very frustrating.
- High said the development has to be 90% done, not much the Town can do until the developer sell homes.
- Smith said this is what is so frustrating, this isn't what was said last month, we understand the 90% done, but that isn't what you have been telling us, hazardous to our health, holes get repaired and lasts several weeks, would like to come to one meeting and hear some progress that has been made, not the same things we have been hearing for 12 months or longer. If you have no news, just tell us, quit glossing it over, tell us something.
- High said Tom and Ness both addressed some of the issues tonight.
- Smith said that everything being done is on the Wiggins Mill West side, not our side, someone has been patching pot holes and it doesn't last.
- High said they haven't been patching anything.
- Smith said she doesn't know who, but they have been patching the holes and it doesn't last, we have to dodge manholes and pot holes or fall in. (on the east side).
- High said in TVI there is over 100 plus units that still need to be sold. We are nowhere near being 90% done and them coming in and paving our roads. We still pay, as you all do for snow plowing. Everyone else in Town has the Town plow it. We are continually addressing the issues, but the developer needs to sell homes in your development to get to the 90% and turn it over to the Town. That is what is says in the contract you signed when you bought your home.
- Smith said the issue is we have been hearing the same thing every month for over 12 months and now we move onto legal, tired of always hearing the same thing. Would like to hear a specific time line with the developer of what is going to be done rather than hear there is nothing we can do. You don't know what frustration is.
- High said both Tom and Ness have addressed this tonight.
- Ness said last month a decision was made to investigate and come back this month and tell the residents what the Town can and can't do. Ness said his streets aren't done either.
- Many people started talking at once; High banged his gavel and asked Fred to interject and told Smith to hold on.
- Smith asked High not to raise his voice to her.
- Fred said it hasn't been easy to collect the information we have and isn't easy to determine what routes we should specifically take, what we have found is there is no ordinance or law that

dictates when a developer has to do roads, is a contract between the contractor and the Town, and the obligation is predicted by the number of homes finished within the subdivision. It is the same situation here as in many places state wide. Since the last meeting I have spoken to the Kent County Planner and Engineer and DelDot, there are examples of sub-divisions state wide in the same state as TVII because of the economic conditions we are all suffering from. You are not alone in having unfinished roads in developments and where it appears your roads will not be finished in the very near future. It isn't a pretty picture we can paint, we have to determine what the developer's responsibility is and from what we have been able to determine, the developer has no obligation to top coat the roads until after they have sold the required amount of homes. It is a pervasive problem that exists in many places. Practically speaking, it is a matter of finances; the developer would love to sell more lots and top coat the roads because that would indicate business is as it should be. The Town would love to be able to snap it's fingers and get the roads top coated and bring this to an end but the Town can't assume that financial responsibility and as stewards of the assets of the Town expend direct assets for something like that to the exclusion of other issues the Town as a whole that the Town is confronted with. I know there is a lot of frustration in the room and Council is very troubled by this but it does not appear we can initiate some type of lawsuit and have any success in getting the roads top coated.

- Slaughter asked why the roads can't be done on the finished side. The building is done on our side.
- Tom said the developer asked the Town if they would take the roads over once they were top coated, which means the Town would be responsible for maintaining them, and the Town said yes, but until the roads are completely done the Town won't take them over. The east side of the tracks could be paved and the homeowner association could start collecting fees to maintain the open spaces, etc., which makes geographic sense and we are working on the developer on this. He also still has to get rid of the stockpiles of construction debris and piles of concrete and mounds of dirt.
- Slaughter said the residents all pay taxes and asked why some of that money can't be used to fix the roads.
- Tom said again that the Town is working with the developer to hold up his end of the contract and do the roads and other things, the Town can't take on this expense. It is in his best interest to do this.
- Quinn Johnson said it is hard to determine what the developer is legally responsible for, in all our meetings the developer has made promises and given us timelines to do the work and get it done, never follows through with his promises. We will continue to keep this on the front burner and meet with him and push him to hold up his end of the bargain. This is very discouraging to all of us. Unfortunately, from a jurisdictional stand point, this isn't a state issue, all land deals are all done by local jurisdictions.
- Slaughter said that what he is hearing is the developer isn't responsible for anything, only has to build homes.
- Quinn said he isn't responsible to complete the roads until the development is 90% built. He technically isn't in default for doing the roads until then. That is what the bond is for.
- Mrs. Mack said she has 75% and is now hearing 90% and wants to know where it is in writing.
- High said it is in the contract she signed when she purchased her home.
- Quinn said it also mentions the homeowner's association in the settlement papers and when the development will get turned over to the homeowners.
- Slaughter said Ryland isn't there anymore.
- Quinn said Ryland was a builder and all the builder does is buy the lot from Sapperstein, the developer and the developer is responsible for the roads and open spaces.
- Mrs. Mack stated with all the vacant homes and lies we have been told and the way the Town looks, who would want to move here. We have to find a way to do something about all of this.
- Slaughter said sometimes when you talk to us it sounds like condescension, you may be living in the same conditions we are but it doesn't sound like it. And that is just talking about the streets, that isn't even addressing the whole problem. Some of the frustration is you keep moving the goal posts. Depends on who is here in the audience from month to month. You

have people here on that side of the room (pointed to Council) that doesn't work for anybody on this side of the room (pointed to residents). We are supposed to be the same community, but doesn't sound like it. I'm not trying to lecture, I'm very frustrated and disappointed, but am trying to articulate in a way that doesn't come across as threatening to you because you act like you get pissed off because we are upset but tough, that's how it comes across. We only meet once a month so you are going to have a lot of build up, some people have been here for years and they are still hearing the same thing, it's just packaged a little different and you are sitting up there and I ask that you have the patience with us that you are asking us to have and at least hear what we have to say because some of us listen very closely and as we listen, a lot of it is changing for the third time around. Slaughter said he is just a homeowner but he respects all of council and all he wants is the same treatment, so when someone is talking about the 90%, everyone seems to have forgotten this is a health and safety welfare issue so believe me, there is re-course. Don't you ever say coming from legislation that there is nothing the council can do. Maybe I need to go and talk to our congressman and ask what the hell is he doing, that isn't what he does if he wants to protect our neighborhoods. I don't want to live in a slum, I didn't buy into one and I'm not going to help create one, so that is why there is a sense of urgency on this side. If we are one community, all we want is the effort to recognize that it's a shared pain, hear what people have to say no matter how in-articulate it may sound.

- High thanked Mr. Slaughter and the residents of Townsend, especially the residents of TVII. The 5 people sitting in front of you all live in this community. The pain you talk about has been shared. Ness and I live in TVI and we have gone through all of this pain, including paying \$295.00 a year for snow removal, of which we pay taxes on, but the Town doesn't remove our snow so we got billed by the developer and there was nothing we could do about it. We had to pay extra or the snow just piled up. I understand 100% where you are coming from and it is a shared effort and concern, that's why when Mrs. Smith asked about the big or small picture, the short answer was the motion that was put forth to patch the holes to get the safety and welfare taken care of and stop the bleeding. In the long run we are going to try to get the issues taken care of, we aren't moving the goal posts, we are working with the conditions that we are able to work with from within in order to make it right. We do share your concerns, we live in your community, otherwise we wouldn't be up here and couldn't be up here by law to serve you. You say you don't owe us anything, we owe you everything because you voted to get us up here, so we're trying as best as we can to get it right and make it right, and do we want you to portend or think that you live in a slum and spend the biggest investment you have probably spent in your lifetime to live in a degraded neighborhood, no, absolutely not, and I somewhat take offense that you would even think that we look down on anybody in this community, we don't, we have to live here or we choose to leave. If we choose to leave, we leave. It isn't a matter of looking down, but we can only do what we do and we are trying our best to get there for you, all of you.
- Smith said council is just not hearing them, it just doesn't come across. She asked last month, this is a formal meeting, come prepared to give me updates, don't have me asking a bunch of questions and you talk around in circles, I know what you said 6 months ago and what you said 12 months ago, part of a public hearing is effective communication, be prepared to communicate to the Town, if nothing has happened tell us, just say it. Don't have us waiting and when we ask, don't clearly articulate until we get frustrated. It happens in just about every meeting, is very frustrating and degrading that I have to keep asking the same questions. Put it on the agenda, just a brief outline of any progress.
- High said OK, there hasn't been any progress.
- Smith said that isn't what he said 30 minutes ago; do you know how that makes me feel? You have been saying, oh we're moving forward.
- High said there was no progress until about 4:00 this afternoon in reference to the developer and Townsend Village II. That was late, breaking news we all got just before we showed up here. Short term progress as you discussed, motion put forward to fix the pot holes. Other than that, nothing else. High told Mrs. Smith he will always answer her questions when she asks him.
- Jack Fitzhugh told High he is talking in circles, just like he talks to everyone else in here. You all will come up for election and you all don't have permanent jobs, things can change, these

people in here have been trying and trying to get things fixed and you shove them off like you do the people of Old Town. Main Street isn't fit to walk on, you have more grass growing on the sidewalk than you do on the other side. The street can't handle all the traffic, things will change, that's all I have to say.

- High thanked Fitzhugh. High asked Fred and Tom to provide a fact sheet to somewhat address these issues. Send it to him and it will be on the next agenda.
 - High asked for a vote not to exceed \$500.00 to fix potholes.
 - Jennings asked High to clearly state for the record what we are voting for.
 - High said there is a motion and a second on the table to fix the most dangerous pot holes in TVII not to exceed \$500.00.
 - Smith pointed out the original motion was for TVII West.
 - Ness said it is all of TVII. He is going by Green's list of pot holes.
 - Jennings said that every dangerous thing that Green comes back to Council with that is in the development will absolutely be addressed because it is a health and public welfare issue and that is within the scope of what we can handle and what we can do and I will always vote in favor of fixing that. We will and are absolutely doing something about that, the entire development, doesn't matter if it is east, west, north or south, the entire thing, that is what we are going to do. We are going to make the roads safe for you to drive on, it's a health and safety welfare issue
 - Smith said she asked because Ness initially said in the motion, TVII West
 - Jennings said she didn't hear that.
 - Ness said he is going by the list Green put out for all of TVII.
 - Smith and Slaughter both said \$500.00 won't be enough money.
 - **Ness amended the motion to fix the worst pot holes in TVII East and West not to exceed \$1,000.00. Jennings seconded. Vote – ayes – unanimous. Motion passed.**
- c. Health & Public Welfare Committee: Co-chairs: John Ness & Dwain Haines
- Ness said there are 2 properties in TVII West that are just basements. One of the properties has had a fence put around it, the other owner has been sent a letter and if he doesn't do something in the allotted amount of time, the Town will put up a fence.
- d. Energy & Environment Committee: Chair – Karen Jennings – Holding all reports.
- Townsend Wildlife Habitat Project
 - Astronomy Night in the Park
- e. Veteran Affairs Committee: Co-Chairs – Karen Jennings & Dwain Haines: Holding reports.
- Project 19734 Soldier Support – care packages
- f. Police Committee: Chair – John Ness: Nothing to report.
- Townsend Community Watch
- g. Parks & Recreation Committee: Co-chairs - Sandy Sturgis & Steve High: Holding reports.

X. Announcements: None.

XI. Citizens Comments & Participation

- a. Resident Ms. Dudley asked who is responsible for Rt. 71 in front of TVII East. Someone just recently got hit there. We need a stop light or stop sign or something.
- b. High said it is a state road and the state is responsible.
- c. Tom said it is a state road and you could call and complain to them.
- d. High stated he would have Tom call and complain to the state and request a study.
- e. Quinn Johnson said DelDot can do a study and one was already done for the Shoppes of Townsend. We can possibly get the speed limit reduced. Quinn said he will send a request tomorrow asking for a traffic study and will email the results to Council.
- f. Mr. Mack said even a blinking light may help.
- g. Jennings said she runs along Rt. 71 and feels like she is taking her life in her hands, is scary and dangerous.
- h. High thanked Quinn and told the residents they will have a response.

XII. Adjournment: 9:36 pm, Ness motioned, Jennings seconded with unanimous vote.

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS WITH THE TIME TO BE DETERMINED